

AUG 22 2008

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

**JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT**

No. 07-89147

**ORDER**

**KOZINSKI**, Chief Judge:

A misconduct complaint has been filed against a district judge. Complainant's counsel moved to withdraw after the defendants in her suit moved for summary judgment. The subject judge granted the motion to withdraw. Complainant then asked for more time to respond to the summary judgment motion and for appointment of counsel, as she was having trouble locating new counsel. The judge granted one extension, denied subsequent extensions, denied the motion for appointment of counsel and granted defendants' motion for summary judgment. The court of appeals affirmed.

Complainant alleges that the judge abused his discretion by allowing her counsel to withdraw and refusing to appoint new counsel, and violated her rights by granting summary judgment against her. She also alleges that the judge's order contained factual errors and that the judge improperly accepted affidavits that had not been notarized. Because these charges are directly related to the merits of the

judge's rulings, they must be dismissed. 28 U.S.C. § 352(b)(1)(A)(ii); Misconduct Rule 4(c)(1). A complaint of judicial misconduct is not a proper vehicle for challenging a judge's rulings. See In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982).

Complainant alleges that the judge was biased against her, allowed a "scheme" between her former counsel and opposing counsel and allowed the attorneys to submit false information, but she hasn't included any objectively verifiable proof supporting these allegations. Because there isn't sufficient evidence to raise an inference that misconduct occurred, these charges are dismissed. 28 U.S.C. § 352(b)(1)(A)(iii); Misconduct Rule 4(c)(3)(C).

Complainant raises a number of allegations about her former counsel, but this complaint procedure applies only to federal judges. Misconduct Rule 1(d). Complaints about an attorney should be made to the relevant state bar association. Id.

**DISMISSED.**